

Net Neutrality is the cornerstone of innovation, free speech and democracy on the Internet. The FCC must protect Net Neutrality by enacting strong rules that keep the Internet free from blocking, censorship and discrimination and ensure that Internet service providers disclose all efforts to manage content. More than 1.6 million Americans have already called for Net Neutrality protections. Please stand with us by passing a strong Net Neutrality rule.

As Comcast plans to merge with NBC Universal given Comcast's past anticompetitive actions like blocking Bit Torrent in 2008 in violation of Net Neutrality and their new TV Everywhere scheme there is concern that allowing Comcast to undergo this merger, and even allowing their TV Everywhere initiative to proceed would be anticompetitive and bad for consumers. With TV Everywhere Comcast claims consumers will benefit but they really won't. TV Everywhere is a scam by Comcast saying if you want to watch TV online you have to be a Comcast digital cable TV subscriber. In a world without Net Neutrality if you connect to the Internet using Comcast's high speed Internet service they can prioritize what you see on the Web and how you see it. Comcast already owns the distribution system (the pipes) for providing digital cable TV service and high speed Internet but if they acquire NBC Universal (a vertical merger) they would own a content company and be able to discriminate against other content. Comcast could say for their digital cable TV subscribers they need not worry about the monthly cost of their cable service increasing year over year because NBC wants Comcast to pay them more fees – in fact they could make NBC content free on Comcast but what if you have a rival digital cable TV service (if let's say you live in an area of the U.S. where Comcast is unavailable and you want to watch NBC Universal content) or a satellite TV service NBC could still charge your TV provider more fees each year which would have to be passed on to the consumer. What's more Comcast is saying if you have their Internet service but don't have their digital cable TV service you cannot watch TV online. Now some might jump to Comcast's defense that a pay wall is a good idea besides free online TV is dangerous to the business model of all pay TV providers whether cable or satellite or phone company based IPTV solutions like Verizon's Fios TV but I'm not just talking about free TV online. Even competing paid for online video on demand systems like Apple's iTunes Store which now sells movies and episodes of TV Shows in SD and HD online could suffer because of TV Everywhere and that's bad for consumers. Cable companies could prioritize and discriminate against competing content and competing distribution systems – if you have Internet access from Comcast in order to watch TV shows online you must be a paid subscriber to Comcast's digital cable TV service. You cannot watch YouTube videos, or download from iTunes etc if you use Comcast for Internet but have Dish Network or DirecTV. Also for those getting fed up with expensive cable bills that want to cut the cord and get their TV fix online either for free or at cheaper more affordable prices under Comcast's model tough luck. TV Everywhere is a scheme that should be investigated for possible antitrust violations and Comcast's proposed NBC Universal merger should be scrutinized more closely and carefully. Imagine if you have Dish Network or DirecTV and have to pay more costly fees each month to your satellite provider who in turn has to

pay expensive licensing fees to NBC Universal for permission to air their content but Comcast gets a free pass on paying NBC Universal any fees because Comcast owns the company. Recall the struggle between Time Warner Cable and Fox late last year over Fox's demands for price increases. What if Time Warner Cable owned Fox they might not have to worry about fighting price increases and could offer price cuts even to Time Warner Cable users if they wanted to do so, but customers of rival TV providers might feel the effect of paying higher fees to enjoy Fox programming as would rival providers. This is wrong.

The 8 year Bush Cheney Administration was dominated by war profiteers, neoconservatives, oilmen, and crony capitalists supporting business and financial monopolists, supporting reckless financial speculating; deregulation of whole industries that has left the middle class weaker and consumers at a disadvantage. AT&T was allowed to reconstitute the Ma Bell phone monopoly by re-merging with SBC Communications and Bell South during the Bush Cheney years, and AT&T Wireless merged with Cingular Wireless reducing competition and consumer choice in the wireless phone market which should be forced open with mandated wholesale open access so any phone can be made to work with any carrier's phone network just like wire-line phones can work with any wire-line phone service. Now AT&T Wireless fed up with consumer complaints by iPhone users in New York City of spotty coverage rather than investing in improving their network infrastructure has just decided to stop selling the iPhone in that area. Also AT&T wants to close down their wire-line phone network that has become unprofitable over the years. ISPs should not be trying to restrict bandwidth they should be investing in expanding their networks and allow more bandwidth usage. AT&T which has expressed its opposition to Net Neutrality and their desire to discriminate against websites like Google since the Bush FCC gutted Net Neutrality rules in 2005 has now agreed in principle to support the idea of Net Neutrality to appease its critics who support Net Neutrality but still say they oppose specific rules mandating Net Neutrality. Furthermore AT&T wants Net Neutrality to only exist with certain conditions benefiting them. Their solution is an Internet that is segregated just like the U.S. was before the civil rights movement of the 1960s with the so called separate but equal laws that were discriminatory. That of course is unacceptable. One of the greatest things about the Web at least in the U.S. has always been its democratic openness and the fact that it encourages participation on a massive scale by a number of people living here regardless of class, age, race, gender, skin color, national origin, sexual orientation, etc. We need better media that's why we have a media reform movement "newspapers have not been in decline just because the Internet made news available for free via the Web but that the traditional advertising market has struggled during two recessions we have had (the first was in 2001 the second started in December 2007 and led up to the financial crisis of September 2008 with the unpopular TARP bailouts of the financial and later automotive industries) in fact AOL which merged with Time Warner in 2000 suffered because of declining advertising revenues and subscriber losses after the dot com bubble burst and consumers started ditching their AOL dialup accounts for broadband Internet from competitors. So establishing pay walls is not the answer "the TV Everywhere pay wall is anticompetitive" its not just an attempt to block free TV online but

block competing pay TV solutions online like Apple iTunes Store, VUDU, Xbox Live Video Marketplace etc.

It would be ideal for consumers if the Carterfone ruling were extended to wireless – in the PC world ISPs do not dictate what hardware or software you can use when connecting to the Internet. You can use an Apple Mac, a Dell, HP, Gateway, Sony, Acer, Toshiba or any custom built home made PC running Microsoft Windows operating system software, Apple's™ Macintosh Operating System software, or the various distributions of Linux available to connect to the Internet. It matters not what version of these operating systems you use either. You can connect to the Internet using a Windows XP PC, a Windows Vista PC, a Windows 7 PC, or even a Windows 98 PC. Furthermore, you can connect to the Internet using an Apple Macintosh computer running any version of Mac OS X, or even if you have an older Mac with OS 9 you can still connect to the Web and use one of the web browsers available to OS 9 users. Speaking of web browsers regardless of what computer and computer operating system you use anyone can use the web browser of their choice (today several are available like Apple's™ Safari, Mozilla Firefox, Google Chrome, Opera, even Microsoft's™ Internet Explorer) with the OS of your choice most often (IE is today Windows only although it once had a Mac version; other browsers though continue to be cross platform – Apple Safari is available to Mac and Windows users, Google Chrome and Mozilla Firefox are Mac/Windows and Linux compatible etc) so why doesn't that openness apply to the wireless market? Why is there no wholesale open access to benefit consumers and encourage more competition? Why can't anyone use the cellular phone of their choice with the wireless carrier of their choice? Imagine using an Apple iPhone on Verizon Wireless, Sprint Nextel, T Mobile, or Virgin Mobile? Why can't the Palm Pre be used with AT&T Wireless, Verizon Wireless, T Mobile, or Virgin Mobile? Why can't consumers use the My Touch 3G with Google on Verizon, or the Motorola Droid with T Mobile? When the Carterfone ruling was made it led to a wave of innovation and the creation of the fax machine. We should be able to have openness for mobile Internet usage as well. Also Net Neutrality should extend to wireless carriers – when the Apple iPhone first came out and Skype's™ VOIP (Voice Over Internet Protocol) app came out it was restricted to Wifi – there was no technical reason why it couldn't run on AT&T's™ EDGE or 3G network it was that AT&T chose an anti competitive policy that upset a lot of consumers and eventually the U.S. Government which prompted AT&T to reverse course and allow Skype over their networks. Today, we need to protect the democratic openness of the Web to encourage innovation to continue.

In a few short years phone service, TV service, and every form of media can be delivered via a high speed Internet connection. It is important that we learn from history at this critical time. Every time in American history a new transformative technology would emerge with the power to give a voice to the voiceless there was a great moment of hope – we saw it when radio was invented in the 1920s, Television in the 1950s, Cable Television in the 1980s. Each time media moguls sent their lobbyists to Washington to co-op and monetize the technologies before they got off the ground. Each time the public's™ best chance to reclaim the media was sacrificed to corporate power. Each time the public

had no idea laws were being passed in their name behind closed doors that were killing the dream. With the Internet we have a great opportunity though to end the legacy business of closed corporate media and to foster innovation and openness. We have a tool that not only speaks truth to power it defends truth from power.

On the eve of his successful 1936 re-election former President FDR said "We had to struggle with the old enemies of peace; business and financial monopoly, war profiteers, reckless and risky financial speculators who had begun to consider the Government of the United States as an appendage to their interests." FDR got Congress to pass The New Deal because he took the fight to his opposition and never backed down and neither will we because we dedicate ourselves to an open and democratic Internet.